

110TH CONGRESS
1ST SESSION

H. R. 740

AN ACT

To amend title 18, United States Code, to prevent caller
ID spoofing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preventing Harass-
3 ment through Outbound Number Enforcement (PHONE)
4 Act of 2007”.

5 **SEC. 2. CALLER ID SPOOFING.**

6 (a) IN GENERAL.—Chapter 47 of title 18, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 1040. Caller ID spoofing**

10 “(a) OFFENSE.—Whoever, in or affecting interstate
11 or foreign commerce, knowingly uses or provides to an-
12 other—

13 “(1) false caller ID information with intent to
14 defraud; or

15 “(2) caller ID information pertaining to an ac-
16 tual person without that person’s consent and with
17 intent to deceive the recipient of a call about the
18 identity of the caller;

19 or attempts or conspires to do so, shall be punished as
20 provided in subsection (b).

21 “(b) PUNISHMENT.—Whoever violates subsection (a)
22 shall—

23 “(1) if the offense is committed for commercial
24 gain, be fined under this title or imprisoned not
25 more than 5 years, or both; and

1 “(2) be fined under this title or imprisoned not
2 more than one year, or both, in any other case.

3 “(c) LAW ENFORCEMENT EXCEPTION.—It is a de-
4 fense to a prosecution for an offense under this section
5 that the conduct involved was lawfully authorized inves-
6 tigative, protective, or intelligence activity of a law en-
7 forcement agency of the United States, a State, or a polit-
8 ical subdivision of a State, or of an intelligence agency
9 of the United States, or any activity authorized under
10 chapter 224 of this title.

11 “(d) FORFEITURE.—

12 “(1) IN GENERAL.—The court, in imposing sen-
13 tence on a person who is convicted of an offense
14 under this section, shall order that the defendant
15 forfeit to the United States—

16 “(A) any property, real or personal, consti-
17 tuting or traceable to gross proceeds obtained
18 from such offense; and

19 “(B) any equipment, software or other
20 technology used or intended to be used to com-
21 mit or to facilitate the commission of such of-
22 fense.

23 “(2) PROCEDURES.—The procedures set forth
24 in section 413 of the Controlled Substances Act (21
25 U.S.C. 853), other than subsection (d) of that sec-

tion, and in Rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.

“(e) DEFINITIONS.—In this section—

“(1) the term ‘caller ID information’ means information regarding the origination of the telephone call, such as the name or the telephone number of the caller;

“(2) the term ‘telephone call’ means a call made using or received on a telecommunications service or VOIP service;

“(3) the term ‘VOIP service’ means a service that—

“(A) provides real-time 2-way voice communications transmitted using Internet Protocol, or a successor protocol;

“(B) is offered to the public, or such classes of users as to be effectively available to the public (whether part of a bundle of services or separately); and

“(C) has the capability to originate traffic to, or terminate traffic from, the public switched telephone network or a successor network;

1 “(4) the term ‘State’ includes a State of the
2 United States, the District of Columbia, and any
3 commonwealth, territory, or possession of the United
4 States; and

5 “(5) a term used in a definition in this sub-
6 section has the meaning given that term in section
7 3 of the Communications Act of 1934 (47 U.S.C.
8 153).”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 47 of title 18, United States
11 Code, is amended by adding at the end the following new
12 item:

“1040. Caller ID spoofing.”.

13 **SEC. 3. OTHER SPECIFIED UNLAWFUL ACTIVITIES FOR**
14 **MONEY LAUNDERING.**

15 (a) FRAUD AND RELATED ACTIVITY IN CONNECTION
16 WITH ELECTRONIC MAIL.—Section 1956(c)(7)(D) of title
17 18, United States Code, is amended by inserting “section
18 1037 (Fraud and related activity in connection with elec-
19 tronic mail),” after “1032”.

20 (b) CALLER ID SPOOFING.—Section 1956(c)(7)(D)
21 of title 18, United States Code, is amended by inserting

1 “section 1040 (Caller ID spoofing),” before “section
2 1111”.

Passed the House of Representatives March 21,
2007.

Attest:

Clerk.

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